

REMARKS

Applicants thank the Examiner for the thorough consideration of the present application. Claims 1, 3, 5, 6, 8, 10 and 11 are currently under consideration. Claim 7 has been withdrawn from consideration. Claims 2, 4 and 9 have been cancelled. The Examiner is respectfully requested to reconsider his rejections in view of the Amendments and Remarks as set forth below.

Entry of Amendment

It is respectfully requested that the present amendment should be entered into the official file in view of the fact that the amendments to the claims automatically place the application in condition for allowance. Alternatively, if the Examiner does not agree that the application is in condition for allowance, it is respectfully requested that the present amendment should be entered for the purpose of appeal. In particular, the amendments only add the limitations of claim 4 to independent claim 1. Accordingly, entry of this amendment and incorporation thereof is considered to be proper.

Rejection under 35 U.S.C. § 103

Claims 1, 3, 5, 6, 8, 10, and 11 stand rejected under 35 U.S.C. § 103 as being unpatentable over Stone (U.S. Patent 5,314,114) in view of Stone (U.S. Patent 3,963,173), Giblin et al. (U.S. Patent 5,320,279), Gottfreid (U.S. Patent 5,348,147) and Pritchard et al. (GB 2 264 287). This rejection is respectfully traversed.

By way of the present Amendment, Applicants have added limitations of claim 4 to claim 1. Accordingly, since claim 4 was not included in this rejection, Applicants submit that claim 1 now clearly overcomes this rejection. Accordingly, claim 1 and dependent claims 3, 5, 6, 8, 10 and 11 overcome this rejection.

Claim 4 stands rejected under 35 U.S.C. § 103 as being obvious over the five-way combination applied above and further in view of Wood et al. (U.S. Patent 5,985,772). This rejection is respectfully traversed.

Claim 4 has been cancelled and its limitations added to claim 1. Accordingly, the rejection of claim 4 is moot. However, this rejection will be considered in regard to claim 1.

First, Applicants note that the rejection now includes a combination of six references. While Applicants are aware that there is no limit to the number of references that can be combined, Applicants submit that such a combination is no longer obvious. In particular, Applicants submit that the Examiner has not provided motivation for piecing together a number of different features of various references. Applicants submit that the present rejection does not provide motivation for such a combination. Furthermore, Applicants submit that it would not be obvious in any case to combine all of these different pieces. The present container is designed to be made from a blank piece of cardboard and accordingly, the various features would not be obvious especially in view of the fact that it is necessary that the blank be provided in such a manner as to be folded into this shape. Accordingly, Applicants submit that the present claims are not obvious over this six-way combination.

Furthermore, Applicants disagree with the Examiner's understanding of the references. As noted in the comments in the previous amendment, Applicants disagree that the Gottfreid

reference teaches anything which can be combined with the other four references to help the arrangement of the severance guideline as claimed. The severance guideline and tear strip of the present invention are not used to remove the entire box to expose the inner parts only. The Examiner stated that this reference shows the depth of the cutout. The remaining portions of the Gottfreid reference are not at all similar, and accordingly, Applicants submit that any teachings which are found in Gottfreid are not relevant to the other references or the present invention. In view of this, Applicant submit that claim 1 is not obvious over this six-way combination.

Claims 3, 5, 6, 8, 9, 10 and 11 depend from claim 1 and as such are also considered to be allowable. In addition, these claims recite other features which make these claims additionally allowable.

CONCLUSION

In view of the above remarks, it is believed that the claims clearly distinguish over the patents relied on by the Examiner, either alone or in combination. In view of this, reconsideration of the rejections and allowance of all the claims are respectively requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Robert F. Gnuse (Reg. No. 27,295) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

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Art Unit 3728
Page 9 of 9 pages

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

By 

John W. Bailey

Registration No.: 32,881

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Rd

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorneys for Applicant